union, that is, unless the union becomes a party to the dispute. The word "workmen" in regulation 4(1)(b), therefore, means the workmen who have taken up the dispute through their union. It means the totality of the union membership or the workmen as a class or body who have agreed to take up the cudgels on behalf of the aggrieved workmen and not merely the eight individual workmen.

As I have stated above, the regulations require a report to state the names of the parties to the dispute. This was done when the union wrote to the Minister informing him of the existence of a trade dispute between them and the applicants over the dismissal of eight workers. In the letter which he addressed to the tribunal the Minister stated quite clearly that the dispute was between the Cargo Handling Corporation Ltd., Port Swettenham and the Cargo Handling Corporation Staff Union.

The Industrial Arbitration Tribunal is a statutory arbitrator having the usual powers of arbitrators except in so far as those powers have been increased or cut down by the regulations under which it is constituted. It is not an industrial court with jurisdiction to entertain proceedings brought before it by the parties. It can only arbitrate on such trade disputes as are referred to it by the Minister, and these trade disputes in turn are such trade disputes as have been reported to the Minister under the regulations. It has no power to amend or alter the terms of reference in relation to the nature of and the parties to the dispute referred to it under the regulations. It is constituted for the purpose of settling disputes that cannot otherwise be determined. Regulation 10 provides that it shall take cognizance of any agreement in settlement of a trade dispute which has been reported to the Minister under regulation 4, or in relation to which the Minister has commenced action under regulation 6. There is no provision in the regulations requiring the consent and approval of the tribunal in relation to an agreement reached in settlement of a trade dispute which has been referred to it.

It was contended on behalf of the workmen who did not agree to the settlement that once a trade dispute is referred to the tribunal the fact that subsequently, due to some reason, the union decides to dissociate itself from the cause of the workmen does not convert the trade dispute into an individual dispute. There is some authority for this proposition, but in the present case the union was not dissociating itself from the cause of the workmen but merely taking the stand that the dispute had in fact been settled between the parties.

For the reasons stated I have come to the conclusion that the dispute in the present case was between the employers and the union. The union in reaching a settlement with the employers did so on behalf of the workmen whom they represented. Once this settlement was reached, the tribunal had no option but to take cognizance of it. There will therefore be an order of prohibition as prayed. I shall hear arguments on the question of costs on a later date.

Prohibition order granted.

Solicitors. *Skrine & Co.; Rajendra & Teik Ee.*

HENRY TRADING CO. LTD. v. HARUN

[F.C. (Barakbah L.P., Abdul Aziz and Wan Suleiman JJ.) June 19, 1966]

Negligence — Road accident — Contributory negligence — Civil Law Ordinance, 1956, s. 12.

Practice and Procedure — Agreed bundle of documents — Proof.

This was an appeal against the decision of the High Court which had dismissed a claim for damages to a Land Rover arising from a road accident as it was held that both sides were equally negligent. The evidence of the police sergeant indicated that the appellant's Land Rover was on its correct side of the road. The trial judge had held that the doctrine of contributory negligence was not applicable.

Held: (1) on the evidence of the independent witness, the police sergeant, the respondent was the negligent party and therefore the appeal must be allowed;

(2) the doctrine of contributory negligence was applicable by virtue of section 12 of the Civil Law Ordinance, 1956.

Semble: Where there is an agreed bundle of documents it is not necessary to prove those documents.

FEDERAL COURT.

C. O. Lim for the appellant.

H. L. Wrigglesworth for the respondent.

Wan Suleiman J. (delivering oral judgment): This is an appeal against the decision of the late Mr. Justice Hashim in which he dismissed the claim by the plaintiff/respondent. The defendant/appellant appealed.

The brief facts of the case are that on the night of the 1st December 1962 the plaintiff/respondent was returning home to Pasir Mas from Kota Bharu on the Kota Bharu/Pasir Mas road when at the 10½ milestone, an oncoming Land Rover driven by an employee of the appellant/defendant knocked into the front bumper of the car being driven by the plaintiff/respondent. There were, as is often to be expected in cases of this sort, two varying accounts of what actually happened and, in deciding what the truth of the matter was, I feel that the proper thing to consider is not so much what the plaintiff/respondent said or what the defendant/

appellant said but what the sergeant, whom I consider to be an independent witness, witness No. 2 for the plaintiff, had to say in this matter. The most important part of the evidence of Sgt. 7291, Mahmud bin Awang Kechik, in my view, is that relating to a tyre mark measuring 117' 6" which was admitted by both sides had been found on the grass verge on the Land Rover's side of the road, that is, on that side of the road on which the driver of the Land Rover belonging to the defendant company was travelling at that time. I consider that there can be little doubt that the tyre mark ending at a point where the Land Rover was found to have come to rest in the drain on its proper side of the road had been made by the Land Rover. That being the case I am of the view that the negligent party would be the driver of the motor car or the MG and in the circumstances I hold that the appeal should be allowed.

There are two points of law on which I feel I should comment. The first is a statement made in the judgment of the learned trial judge wherein he held that the doctrine of contributory negligence does not apply in this country. With that view I would respectfully disagree. The learned trial judge has clearly overlooked the provisions of section 12 of the Civil Law Ordinance, 1956. I must also disagree with the view which he held that in this case both sides had been equally negligent. As I said earlier independent evidence point to one fact; that the plaintiff/respondent was negligent. The other statement of law made by the learned trial judge on which I feel I should comment is that part of the judgment wherein he said that the contents of an agreed bundle of documents must be proved unless such contents are admitted by the other side. With respect, I say that where there is an agreed bundle of documents there is no need to prove these documents. This rule is too well established in law to be doubted.

I, therefore, give judgment in favour of the appellant/defendant and in respect of special damages, having considered the value of the Land Rover as is indicated in the exhibit at page 76 of the record and also taking into consideration the value of the Land Rover as scrap, I would award the appellant/defendant a sum of $2,000 as special damages. Only one item of general damage, I feel is worthy of consideration and that is the sum of $196 which I understand are the wages paid to the labourers of the appellant/defendant company during the period of their medical treatment. I would say that the other items of general damages were either not proved to the satisfaction of this court or were too remote to be worthy of consideration.

Costs in this court and in the court below will be awarded to the appellant. Deposit to be paid out to the appellant.

Barakbah L.P. and **Abdul Aziz J.** concurred.

Appeal allowed.

Solicitors: *Chang Min Tat; Wrigglesworth & Co.*

COMPTROLLER OF INCOME TAX v. A. CO. LTD.

[O.C.J. (Choor Singh J.) June 20, 1966]

[Singapore — Suit No. 881 of 1962, Summons-in-Chambers No. 995 of 1965]

Income Tax — Payment of income tax — Tax levied by comptroller — Objection against assessment — Application for leave to sign final judgment — R.S.C., O. XIV — Income Tax Ordinance (Cap. 166), s. 86.

The plaintiff had claimed the sum of $200,725 being the amount of income tax alleged to be due and payable by the defendant. Appearance was entered for the defendant and a statement of defence denying liability was filed. The plaintiff thereupon took out a summons-in-chambers for leave to enter final judgment under Order XIV of the Rules of the Supreme Court. The registrar after hearing both parties gave the plaintiff leave to enter final judgment for the sum claimed. On appeal, it was contended that there was a triable issue as the defendant claimed that the tax had not been levied in accordance with the provisions of section 43 of the Income Tax Ordinance.

Held: (1) once the Comptroller of Income Tax has made an assessment and issued a notice of assessment to a taxpayer calling upon him to pay the tax mentioned in the notice, the taxpayer is bound by law to pay such tax within one month even though he may be dissatisfied with the assessment;

(2) the provisions of Order XIV of the Rules of the Supreme Court must be read together with the provisions of the Income Tax Ordinance and in this case the registrar had rightly given the plaintiff leave to sign final judgment.

APPEAL FROM REGISTRAR.

Amarjit Singh Verick (Legal Officer) for the plaintiff/respondent.

K. S. Chung for the defendant/appellant.

Cur. Adv. Vult.

Choor Singh J.: This is an appeal against the decision of the registrar giving the plaintiff leave to sign final judgment against the defendant.

By a specially indorsed writ of summons issued on the 20th May, 1965, the plaintiff claimed from the defendant the sum of $200,725, being the amount of income tax alleged to be due and payable by the defendant under section 86 of the Income Tax Ordinance (Cap. 166) in respect of the years of assessment 1958, 1959 and 1960.

Appearance was entered for the defendant on the 9th June, 1965, and a statement of defence denying liability was filed on the 28th June, 1965. On the 6th July the plaintiff took out a summons in chambers for leave to enter final